

## FLETCHER & SIPPEL LLC

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Part of  
Public Record

June 25, 2003

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DME-22

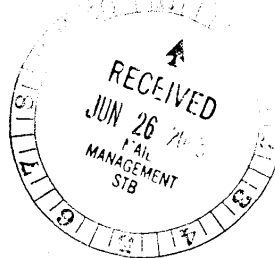
### VIA FEDERAL EXPRESS

Mr. Vernon A. Williams  
Secretary  
Surface Transportation Board  
1925 K Street, N.W., Room 700  
Washington, DC 20006

INTERNAL  
Office of Proceeding

JUN 25 2003

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Public Record



Re: **Finance Docket No. 34178 - 208 207**  
**Dakota, Minnesota & Eastern Railroad Corporation**  
**and Cedar American Rail Holdings, Inc. -- Control --**  
**Iowa, Chicago & Eastern Railroad Corporation**  
  
**Finance Docket No. 34178 (Sub-No. 1) - 208 208**  
**Dakota, Minnesota & Eastern Railroad Corporation --**  
**Terminal Trackage Rights -- Union Pacific Railroad Company**

Dear Secretary Williams:

On March 19, 2003, Dakota, Minnesota & Eastern Railroad Corporation ("DM&E") filed a Petition for Reconsideration and Reopening (DME-13) in the above-captioned proceedings, seeking certain relief with respect to DM&E trackage rights operations over the Union Pacific Railroad Company ("UP") at Owatonna, Minnesota. In Decision No. 9, served April 21, 2003, the Board sought additional information regarding the Owatonna issues raised in the DME-13 petition and in UP's Petition for an Emergency Order (UP-5) filed March 21, 2003.

DM&E and UP have now reached and executed an agreement resolving the issues between the parties with respect to Owatonna. Under the settlement, DM&E will have the unrestricted right to use UP's trackage at Owatonna for handling or interchange of traffic to or from Iowa, Chicago & Eastern Railroad Corporation. Accordingly, DM&E hereby withdraws its DME-13 petition. DM&E understands that UP similarly will seek to withdraw its UP-5 petition, and DM&E has no objection to such withdrawal.

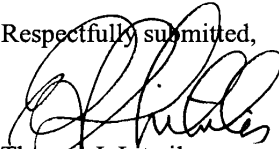
Ten copies of this letter are enclosed for filing at the Board. One extra copy also is enclosed, and I would request that you date-stamp that copy to show receipt of this filing and return it to me in the provided envelope.

FLETCHER & SIPPEL LLC

Mr. Vernon A. Williams  
June 25, 2003  
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If you have any questions regarding this filing, please feel free to contact me.  
Thank you for your assistance on this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'T. Litwiler', written over the typed name.

Thomas J. Litwiler  
Attorney for Dakota, Minnesota & Eastern  
Railroad Corporation

TJL:tl

Enclosures

cc: Michael L. Rosenthal, Esq. (via Federal Express)  
Parties of record